

REMARKS

Amendments

Amendments to the Claims

Applicant has presented the claims for the convenience of the Examiner. Applicant notes that no amendments to the claims are presented in this response.

Rejections

Rejections under 35 U.S.C. § 112

Claims 9, 19, 30, 38, 48 and 49

Claims 9, 19, 30, 38, 48 and 49 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner asserts that the claim element “transmitting to the server, a request that the client is to be identified in the list of the plurality of content providers as an additional content provider that provides the content file” is not supported in the specification.

The Examiner correctly points out that Applicant’s specification discloses the client becoming a content provider of the content files when the distribution tool is provided for that content file (Office Action, p. 2-3). In addition, the Examiner further correctly points out that Applicant’s specification discloses that the system adds the client to the list of providers for that content file (*Id.*). Furthermore, Applicant’s specification discloses that the client transmits to a request to the server for the distribution tool (Specification, Figure 3, block 380, paragraphs 27, 44, and 50). As a result of receiving this request, the server updates its list of client providers for that content file to include the requesting client (Specification, paragraph 26).

As described above, Applicant respectfully submits that Applicant’s specification discloses a client that transmits a request for the distribution tool, where the distribution tool allows the client to become a content provider. As a result of receiving this request, the server adds the client to the list of providers. Applicant respectfully submits that this client transmitting the request for the distribution tool is an example of a “request that the client is to be identified in the list of the plurality of content providers as an additional content provider that provides the content files” as claimed because the client distribution

tool request results in the client being listed in the list of providers. Thus, Applicant respectfully submits that this claim element is supported in Applicant's specification. Therefore, Applicant respectfully submits that claims 9, 19, 30, 38, 48 and 49 satisfy the requirements of 35 U.S.C. § 112, first paragraph and respectfully requests the withdrawal of the rejection of the claims under § 112.

Rejections under 35 U.S.C. § 103(a)

Claims 1, 2, 4, 8-10, 14-20, 24-28, 30, 31, 36-39 and 43-50

Claims 1, 2, 4, 8-10, 14-20, 24-28, 30, 31, 36-39 and 43-50 stand rejected under 35 U.S.C. § 102(e) as being unpatentable by Levy et al., U.S. Publication 20030174861, Stefik et al., U.S. Patent No. 5,638,443, and Detlef, et al., U.S. Patent No. 6,848,002 (all previously cited). Applicant does not admit that either Levy or Detlef is prior art and reserves the right to challenge them at a later date. Nevertheless, Applicant respectfully submits that this combination does not teach each and every element of the invention as claimed in claims 1, 2, 4, 8-10, 14-20, 24-28, 30, 31, 36-39 and 43-50.

Levy discloses a system of distributors licensed to distribute content to end users. The distributors include owners of the content, such as the artist or copyright holder. The distributors can embed links (OID) in the content that points to additional information associated with the content, i.e., metadata. Levy further discloses that if an end user receives content without a link, the end user can embed a link to metadata created by the end user. Subsequent end users of the content will then be directed to the metadata created by this end user. Furthermore, Levy discloses a distributor identifier that is embedded in the content.

Stefik discloses a system for controlling the use and distribution of composite digital works. A consumer of the composite digital work can redistribute the composite digital work.

Detlef discloses updating and maintaining content provider information and locations in a registry. A client accesses this registry only to gather or update information about content providers. However, Detlef is silent as to the content provider list indicating which content provider provides which specific content.

In independent claims 1, 8, 19, 30, 38, 48, and 49, Applicant claims a client that transmits a request that the client is to be identified in the list of the plurality of content providers as an additional content provider that provides the content file. The Examiner admits that neither Levy nor Stefik teach or suggest this claim element and relies on Detlef to disclose it (Office Action, p. 5). Furthermore, the Examiner seems to admit that Detlef does not disclose the claimed element as well, because the Examiner states that Detlef discloses “a list of content providers that is updated for current providers after accessing registry information.” However, the Examiner fails to disclose which of Detlef’s devices does the updating and in response to what action. Moreover, Applicant respectfully submits that Detlef is directed to a client that only accesses a registry of content providers and that Detlef’s client does not request to be part of Detlef’s registry. Thus, Applicant respectfully submits that Detlef does not teach the claimed element.

Therefore, the combination of Levy, Stefik, and Detlef cannot properly interpreted as teaching or disclosing a client that transmits a request that the client is to be identified in the list of the plurality of content providers as an additional content provider that provides the content file as claimed.

Accordingly, Applicant respectfully submits that the invention claimed in independent claims 1, 8, 19, 30, 38, 48, and 49, and claims 2, 4, 9-10, 14-17, 20, 24-28, 31, 36, 37, 39, 43-47, and 50 is not rendered obvious by the combination of Levy, Stefik, and Detlef under 35 U.S.C. § 103(a) and respectfully requests the withdrawal of the rejection of the claims.

SUMMARY

Claims 1, 2, 4, 8-10, 14-20, 24-28, 30, 31, 36-39 and 43-50 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Eric Replogle at (408) 720-8300 x7514.

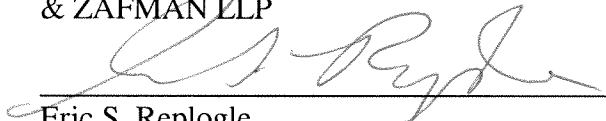
Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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